

WASHINGTON, DC - Today, the U.S. House of Representatives passed the Americans with Disabilities Amendments Act of 2008. Congressman Robert C. "Bobby" Scott, (D-VA-3), offered the following statement in support of the legislation:

"Madam Speaker, I rise in support of HR 3195, the Americans with Disabilities Amendments Act.

"In the early 1980's, sixty-four disability organizations formed a coalition known as INVEST (INsure Virginians Equal Status Today) to pass a state statute in Virginia to protect individuals with disabilities from discrimination. The landmark 'Virginians with Disabilities Act' was the Commonwealth's commitment to encourage persons with disabilities to participate fully in the social and economic life of the Commonwealth. It preceded the federal Americans with Disabilities Act (ADA) by five years, and many of the key concepts in the Virginia statute formed the basis of the ADA.

"Signed in 1985 by former Gov. Charles S. Robb, the Virginians with Disabilities Act today protects nearly one million state residents. This Act acknowledged that 'it is the policy of the Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life ...' and it protects Virginians with disabilities from discrimination in employment, education, housing, voting, and places of public accommodation.

"Five years later, the Americans with Disabilities Act of 1990 was enacted to protect all Americans against discrimination on the basis of disability. When Congress passed the ADA, Congress adopted the definition of disability from Section 504 of the Rehabilitation Act of 1973, a statute that was well litigated and understood.

"Congress expected that under the ADA – just as under the Rehabilitation Act – individuals with health conditions that were commonly understood to be disabilities would be entitled to protection from discrimination. But a series of U.S. Supreme Court decisions interpreted the ADA in ways that Congress never intended, and over the years these decisions have eroded the protections of the statute.

"First, the Court held in 1999 that mitigating measures – including prosthetics, medication, and other assistive devices – must be taken into account when determining if a person is disabled. Then, in 2002, the Court held that a 'demanding standard' should be applied to determining whether a person has a disability. As a result, millions of people Congress intended to protect under the ADA – such as those with diabetes, epilepsy, intellectual disabilities, multiple sclerosis, muscular dystrophy, amputation, cancer and many other impairments – are not protected as intended.

The ADA Amendments Act will restore the ADA to Congress' original intent by clarifying that coverage under the ADA is broad and covers anyone who faces unfair discrimination because of a disability. The ADA Amendments Act:

- Retains the requirement that an individual's impairment substantially limits a major life activity in order to be considered a disability, and further that an individual must demonstrate that he or she is qualified for the job.

- Would overturn several court decisions to provide that people with disabilities not lose their coverage under the ADA simply because their condition is treatable with medication or can be addressed with the help of assistive technology.
- Includes a 'regarded as' prong as part of the definition of disability which covers situations where an employee is discriminated against based on either an actual or perceived impairment. Moreover, the proposal makes it clear that accommodations do not need to be made to someone who is disabled solely because he or she is 'regarded as' disabled.

“Madam Speaker, the bill before us today is the direct result of agreements between the business and disability communities to rectify the problem created by the courts, and I applaud the determination and hard work that went into this compromise. The ADA Amendments Act will enable individuals with disabilities to secure and maintain employment without fear of being discriminated against because of their disability. Congress clearly intended to prohibit discrimination against all people with disabilities and we will do that by passing HR 3195. “
Madam Speaker, I urge my colleagues to support this bill.”

The bill passed the House of Representatives with a vote of 402-17 ([Roll Call No. 460](#)).

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